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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,710	03/12/2002	Martin Kocher	2014	2567

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Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

BREAN, LAURA MICHELLE

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/070,710	Applicant(s) KOCHER ET AL.	
	Examiner Laura M. Brean	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 12, 14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This office action is in response to applicant's amendment filed 12/23/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Striker (U.S. Patent 211,098) in view of Yoshida et al. (U.S. Patent 4,958,546), herein referred to as Yoshida. Striker discloses a saw blade for power tools comprising a blade back (1) and a tothing (11, 11a) extending along a lower edge of the blade back; and including many saw teeth lined up in succession (see Figure 2). Striker discloses parallel recesses (3,4) spaced apart from one another are formed in the blade back on both sides of the back and extend past the saw teeth as far as an underside of the of the tothing remote from the blade back and wherein the recesses on one side of the blade back and the recesses on another side of the blade back are disposed offset from one another longitudinally of the saw blade (see Figure 4). Striker also discloses that the recesses (3,4) are inclined relative to the tothing at an acute angle (Figure 2) in the advancement direction of the saw blade and wherein the acute angle is equivalent to the rake angle of the saw blade. Since the rake angle of the saw blade is also an acute angle, it is considered equivalent to the acute angle of the inclined recesses.

Striker does not disclose that the successive portions of the toothing (11, 11a), each with an integral number of saw teeth, the saw teeth have the same tooth width as measured at a top-cutting edge in a direction of a thickness of the saw blade, wherein said same tooth width is different from the saw teeth in the preceding and succeeding portion of the toothing. However, attention is directed to the Yoshida saw blade that does disclose alternative teeth patterns, each pattern consisting of a consistent, yet varied tooth thickness than that the previous and subsequent tooth pattern. Yoshida states that it is old and well know in the art to set blades in a pattern of varying thickness in order to minimize vibration and noise (as shown in Figure 12 and discloses in column 10, lines 34-37). The offset teeth serve to allow the leading teeth to cut the work piece in the feeding direction, which are then followed by the wider trailing teeth that serve to widen the leading cut channel. This system of cutting reduces the vibration in the transverse direction from the trailing teeth, such that the trailing teeth are always guided straight ahead by the leading cut groove that was formed by the leading tooth. Therefore, it would have been obvious to one having ordinary skill in the art to have varied the thickness of the blades of the Striker saw in view of the teachings of Yoshida in order to reduce vibration and noise in the blade, providing less deviation of the blade along cutting ine.

Allowable Subject Matter

Claim 12 appears to be allowable over the prior art of record.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 12/23/2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB
02/14/2006



Allan N. Shoap
Supervisory Patent Examiner
Group 3700